

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DANIEL MOREL,

Plaintiff,

-v-

AGENCE FRANCE PRESSE and GETTY IMAGES
(US), INC.,

Defendants.
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10 Civ. 2730 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

On November 22, 2013, following trial, the jury in this case returned a special verdict awarding Plaintiff Daniel Morel (1) \$303,889.77 in actual damages and infringers' profits under the Copyright Act, (2) \$1,200,000 in statutory damages under the Copyright Act, (3) \$20,000 in actual damages and infringers' profits under the Digital Millennium Copyright Act ("DMCA"), and (4) \$20,000 in statutory damages under the DMCA. Under both the Copyright Act and the DMCA, Plaintiff may elect to recover statutory damages at any time before judgment is entered. *See* 17 U.S.C. §§ 504(c)(1), 1202(c)(3)(A).

In a letter dated November 26, 2013, Plaintiff indicated that he was electing statutory damages, but he argued that the minimum statutory award for the 16 DMCA violations found by the jury was \$40,000. Dkt No. 287. Defendants disagree. Dkt. No. 304.

Consistent with Plaintiff's election of statutory damages and the special verdict forms completed by the jury, the Court hereby requests that the Clerk enter judgment in Plaintiff's favor in the amount of \$1,220,000.

Any non-waived arguments that Plaintiff wishes to raise regarding alteration of the jury verdict must be made by appropriate post-trial motion.

SO ORDERED.

Dated: December 6, 2013
New York, New York


ALISON J. NATHAN
United States District Judge